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Gorsuch, Sotomayor Boost 2nd Circuit Efforts to Engage Communities, Revive Civic Education

"I think we are facing a crisis," Justice Neil Gorsuch said in a live-streamed discussion broadcast to a packed courtroom in the Thurgood Marshall Courthouse at Foley Square. "We have lost the art of how to talk to one another."

By Tom McParland | October 31, 2019



Judge Robert Katzmann welcomes attendees to the 2019 Conference on Civic Education and the Federal Courts at the Thurgood Marshall Courthouse in Foley Square in New York City on Thursday. Photo: David Handschuh/NYLJ

U.S. Supreme Court Associate Justices Neil Gorsuch and Sonia Sotomayor on Thursday touted the role of federal courts in restoring civic education and a sense of civility in American life.

The justices said at a meeting of judges and educators from across the country that the federal judiciary was uniquely positioned to engage the public and to inform the nation's youth about the critical role the courts play in a constitutional democracy.

"I think we are facing a crisis," Gorsuch said in a live-streamed discussion broadcast to a packed courtroom in the Thurgood Marshall Courthouse at Foley Square. "We have lost the art of how to talk to one another."

The remarks came during the 2019 National Conference on Civic Education and the Federal Courts, a first-of-its kind gathering in Manhattan that featured teachers, bar leaders and representatives from every circuit within the federal court system.

Spearheaded by Chief Judge Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit, the event aimed to identify strategies to further civic education and promote mutual understanding between courts and the community about the judicial system and the rule of law.

Sotomayor traced a general lack of knowledge to the slashing of civic education classes in favor of science, technology, engineering and math curricula in public schools.

"To make more room for STEM education courses, they had to give something up," Sotomayor said.

"Unfortunately what they chose may fundamentally destroy all choices because if we don't have a population that understands that laws affect them every single day ... and that they can have a voice in changing those laws when they don't work, then we're not going to be able to keep our republic," she said.

Both justices cited ignorance as the leading threat to judicial independence, in an age where the rise of partisan politics has coincided with a lack of understanding of the way federal courts function. And it was incumbent on the judiciary, they said, to reintroduce civics and engage the community on those issues.

Gorsuch and Sotomayor agreed that judges played a special role in educating the people about their work, and they seemed to eschew the idea that maintaining judicial independence meant taking part in the public discourse.

"I confess, I have some sympathy to that, and perhaps in another time and place, I would adhere to that," Gorsuch said.

"I think our ethical rules not just permit, but encourage, judges to participate in advancing rule-of-law initiatives and advancing understanding of the law," he said.

"We are the best ambassadors of the work we do, and explaining our process to the population is what will keep us supported by our population," Sotomayor said. "If we don't educate, we stand to be continuously assaulted. And we don't have the ability to defend ourselves directly, so the best way, in my mind, is to preemptively attack—educate people so they want to stand up for us."

Katzmann, meanwhile, has made civic engagement a hallmark of his tenure as chief judge.

Though its "Justice For All: Courts and the Community," Katzmann said, the Second Circuit was the first in the nation to implement a circuitwide coordinated program of outreach, which includes teachers' institutes, an interactive learning center, reenactments of historic cases and inviting students to attend civil ceremonies at the courts.

The thrust of Thursday's conference, he said, was to share ideas and eventually replicate the Second Circuit's practices in jurisdictions around the country.

"What we hope to do is to create a mechanism for ongoing discussion and activity," he told participants. "We think of today as just the beginning. We will all learn from one another and take back ideas we can put into effect at our courthouses."

Thursday's agenda included a series of breakout sessions, followed by a group wrap-up and post-conference reception. Katzmman said he hoped to make the conference an annual event, and a report would follow detailing next steps for circuits looking to implement their ideas.

The event was co-sponsored by the Second Circuit committee on civic engagement and the Administrative Office of the U.S. Courts, in conjunction with the Annenberg Public Policy Center of the University of Pennsylvania and the Leon Levy Foundation.

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